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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,504	06/09/2006	Sung Soon Choi	075820-0015	2913
20277	7590	05/04/2010	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				PHAN, JOSEPH T
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/582,504	CHOI, SUNG SOON	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOSEPH T. PHAN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on NF action filed 04/01/2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This supplemental action replaces non-final action filed 04/01/2010.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 8, the phrases "in case" and "so as to" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The phrases "in case" and "so as to" are not positive recitations.

Appropriate clarification and/correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Kokkinen, US**

**Pub. No. US 2005/0105706 A1.**

Regarding claim 1, Kokkinen teaches a method for providing a ring back tone service by using a Play Announcement message based on an intelligent network, the method comprising the steps of:

- (a) receiving information on a receiving terminal from a Mobile Switching Center on the side of the receiving terminal that is required for call receipt (fig.3/5, para 0032, 0035-0036, and 0074);
- (b) in case that the receiving terminal subscribes to the ring back tone service, forming a communication line between the Mobile Switching Center and the coloring player (fig.3/5, para 0022-0023, 0056-0059);
- (c) in case that the communication line is formed, receiving an Assist Request Instruction from the coloring player (fig.3/5, para 0022-0023, and para 0056-0059);
- (d) transmitting the Play Announcement message including an identification number of the receiving terminal, to the coloring player; and (e) enabling a sound source corresponding to the identification number of the receiving terminal included in the Play Announcement message to be transmitted from a coloring server to the coloring player, so as to be played (para 0023, 0056, 0063 and 0065-0068).

Regarding claim 2, Kokkinen teaches the method of claim 1, wherein communication protocol between the coloring player and the coloring server is Transmission Control Protocol/Interact Protocol (TCP/IP) (para 0048 and 0077-0078).

Regarding claim 3, Kokkinen teaches the method of claim 1, wherein the coloring player recognizes an identification number parameter of the receiving terminal and/or an identification number parameter of a sending terminal that has required the earlier receipt (para 0032, 0056,

0063 and 0065-0068).

Regarding claim 4, Kokkinen teaches the method of claim 1, wherein the coloring player directly interoperates with the coloring server(para 0023, 0056, 0063 and 0065-0068).

Regarding claim 5, Kokkinen teaches the method of claim 1, wherein the information of the receiving terminal includes the identification number thereof and/or information on subscription of additional service thereof(para 0023, 0056-0059, and 0063).

Regarding claim 6, Kokkinen teaches the method of claim 1, wherein the mobile switching center includes a Service Switching Point (SSP) supporting the entire access of the intelligent network(para 0026).

Regarding claim 7, Kokkinen teaches the method of claim 1, wherein the Play Announcement message includes an identification number of a sending terminal that has required the call receipt(para 0023, 0056-0059, and 0063).

Regarding claim 8, Kokkinen teaches a system for providing a ring back tone service by using a Play Announcement message based on an intelligent network, the system comprising:

- a Mobile Switching Center (MSC) transmitting information of a receiving terminal that is required for call receipt and interoperating with a coloring player, so as to connect a call therebetween (Fig.3,5 and para 0056-0059)
- a Service Control Point (SCP) receiving the information of the receiving terminal from the Mobile Switching Center (MSC), so as to transmit the Play Announcement message (PA message) including an identification number of the receiving terminal(fig.3/5, para 0032, 0035-0036, and 0074);
- a coloring player receiving a sound source corresponding to the identification

number of the receiving terminal, so as to play the same in a sending terminal that has required the call receipt; and a Coloring server (CRS) transmitting the sound source corresponding to the identification number of the receiving terminal to the coloring player(Fig.3/5, para 0022-0023 and 0074).

Regarding claim 9, Kokkinen teaches the system of claim 8, further comprising: a coloring database storing at least one ring back tone sound source data; and a subscriber database storing personal information on a subscriber who has subscribed to the ring back tone service and information on the ring back tone sound source data selected by each subscriber(para 0023, 0063 and 0065-0068).

Regarding claim 10, Kokkinen teaches the system of claim 8, wherein the coloring server comprises a coloring database storing at least one ring back tone sound source data and a subscriber database storing personal information on a subscriber who has subscribed to the ring back tone service and information on the ring back tone sound source data selected by each subscriber(para 0023, 0056-0059, 0063 and 0065-0068).

Regarding claim 11, Kokkinen teaches the system of claim 8, wherein the Mobile Switching Center includes a Service Switching Point supporting the entire access of the intelligent network(para 0026).

Regarding claim 12, Kokkinen teaches the system of claim 8, wherein in case that a communication line is formed between the Mobile Switching Center and the coloring player, the coloring player transmits an Assist Request Instruction to the Service Control Point(Fig.3/5, para 0023, 0056-0059, 0063 and 0065-0068).

Regarding claim 13, Kokkinen teaches the system of claim 8, wherein communication

protocol between the Mobile Switching Center and the Service Control Point and/or between the coloring player and the Service Control Point is Intelligent Network Application Protocol (INAP).

Regarding claim 14, Kokkinen teaches the system of claim 8, wherein communication protocol between the Mobile Switching Center and the coloring player is ISDN user part (ISUP) protocol(para 0078).

Regarding claim 15, Kokkinen teaches the system of claim 8, wherein communication protocol between the coloring player and the coloring server is Transmission Control Protocol/Internet Protocol (TCP/IP)(para 0048 and 0077-0078).

Regarding claim 16, Kokkinen teaches the system of claim 8, wherein the coloring player recognizes an identification number parameter of the receiving terminal and/or an identification number parameter of a sending terminal that has required the call receipt, from the Play Announcement message(Fig.3/5, para 0023, 0056-0059, 0063 and 0065-0068).

Regarding claim 17, Kokkinen teaches the system of claim 8, wherein the coloring player directly interoperates with the coloring server(Fig.3/5, para 0023, 0056-0059, 0063 and 0065-0068).

Regarding claim 18, Kokkinen teaches the system, of claim 8, wherein the information on the receiving terminal includes the identification number thereof and/or information on subscription of additional service thereof(Fig.3/5, para 0023, 0056-0059, 0063 and 0065-0068).

Regarding claim 19, Kokkinen teaches the system of claim 8, wherein the receiving terminal and the sending terminal include a Personal Digital Assistant (PDA), a cellular phone, a Personal Communication Service (PCS) phone, a hand-held PC, a Global System for Mobile

(GSM) phone, a wideband CDMA phone, an EV-DO phone, an EV-data and voice (DV) phone and a Mobile Broadband System (MBS) phone(para 0068 and 0072).

Regarding claim 20, Kokkinen teaches the system of claim 8, wherein the Play Announcement message includes the identification number of the sending terminal. (Fig.3/5, para 0023, 0056-0059, 0063 and 0065-0068).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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